



NEW YORK'S SO-CALLED EQUAL RIGHTS AMENDMENT ("PROPOSAL NUMBER 1" OR "PROP 1")

- **Proponents Falsely Claim Prop 1 Is Needed to Protect Abortion.** New York legalized abortion in 1970 and is not under any threat of repeal. Further, the word *abortion* does not appear in the amendment language as it does in other U.S. state proposals protecting abortion rights. Instead, it uses broad terms ("pregnancy outcomes" and "reproductive autonomy") leaving much to judicial interpretation.
- **Prop 1: The Truth.** Prop 1 creates new constitutional protections for new categories of people even though all these categories are protected against discrimination under existing state law. However, these constitutional protections will have greater legal status than mere statutes and will create conflict with other long-standing rights.
- **Parental Rights:** Prop 1's irresponsibly drafted language creates "new" constitutional rights likely resulting in removal of parental consent from health decisions impacting their children. Prop 1 adds "gender identity" and "gender expression" and covers all persons including minors. These new constitutional "rights" will grant minor children the right to transgender and other types of medical interventions – all without parental notification/consent. Parents will remain financially and legally responsible for managing emotional and physical results impacting their minor children. Governor Hochul and the legislature enacted a law to protect minors from abuse on social media. Yet, she ignores the genuine threat to minors under Prop 1.
- The 2023 **NYS Department of Education** guidance states that schools cannot inform parents of a child's decision to transgender unless and until a minor child agrees to involve his or her parents. European regulatory authorities reversed initial policy recommendations, supporting a more cautious approach to transgender treatments. New York Democrats ignore these developments.
- **Boys in Girls' Sports:** Prop 1 will force schools to include biological males on female sports teams, jeopardizing the fairness of athletic competitions. It will compel shared locker rooms and bathrooms and make it nearly impossible to reverse 2024 NYS Department of Education regulations allowing boys on girls' sports teams based on their chosen gender. These regs also allow boys -- regardless of chosen gender -- to play on girls' teams if the school does not offer a boys' team in a selected sport.
- **Taxpayer Benefits for Migrants:** In creating "national origin" as a new protected class, Prop 1 creates a constitutional basis for taxpayer benefits to support non-citizens and illegal migrants. New York City authorized voting rights for non-citizens and Prop 1 would provide more legal support for this effort. (The NYC law is currently before the New York State Court of Appeals).
- **Reverse Discrimination:** Prop 1 contains language which will legalize "reverse discrimination" programs in the governmental and private sectors if intended to remedy past discrimination. This provision provides a state constitutional framework to utilize racial and ethnic quotas in hiring, education admissions, and a range of other areas.
- **Why Prop 1?** New York's Democrats rushed to propose a constitutional amendment and disregarded key process steps required by New York's Constitution. The legislature never even held a single hearing on the proposal or consulted legal and constitutional scholars as to its impact. They completed the process in 2023 but cynically placed the amendment on the ballot to coincide with the 2024 presidential election.